

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 813 Licensure of Unarmed Security Guards
SPONSOR(S): Careers and Competition Subcommittee, Willhite
TIED BILLS: IDEN./SIM. **BILLS:** SB 1574

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Careers & Competition Subcommittee	13 Y, 0 N	Wright	Anstead
2) Commerce Committee			

SUMMARY ANALYSIS

The Department of Agriculture and Consumer Services, Division of Licensing, is responsible for the licensure and regulation of private security, private investigations, and recovery services professionals.

To act as an unarmed security officer, a person must obtain a Class "D" private security license, which includes the completion of a 40 hour training course. Currently, this course must be taken in person at a school or training facility.

The bill will allow:

- applicants for a Class "D" unarmed security officer license to take the required training online.
- applicants for a Class "D" school and training facility license to offer such training courses online.

The bill does not appear to have a fiscal impact on state or local government.

The bill has an effective date of July 1, 2018.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

The mission of the Department of Agriculture and Consumer Services (DACS) is to safeguard the public and support Florida's agricultural economy by:

- ensuring the safety and wholesomeness of food and other consumer products through inspection and testing programs;
- protecting consumers from unfair and deceptive business practices and providing consumer information;
- assisting Florida's farmers and agricultural industries with the production and promotion of agricultural products; and
- conserving and protecting the state's agricultural and natural resources by reducing wildfires, promoting environmentally safe agricultural practices, and managing public lands.¹

The Division of Licensing (DOL) within DACS is responsible for protecting the public from unethical business practices on the part of persons providing private security, private investigative and recovery services to the public through licensure and regulation of those industries pursuant to ch. 493, F.S. Additionally, DOL is responsible for the issuance of Concealed Weapon or Firearm Licenses in accordance with s. 790.06, F.S.²

Security Officers

Section 493.6101, F.S., defines the following:

- "security officer" means any individual who, for consideration, advertises as providing or performs bodyguard services or otherwise guards persons or property; attempts to prevent theft or unlawful taking of goods, wares, and merchandise; or attempts to prevent the misappropriation or concealment of goods, wares or merchandise, money, bonds, stocks, choses in action, notes, or other documents, papers, and articles of value or procurement of the return thereof. The term also includes armored car personnel and those personnel engaged in the transportation of prisoners.³
- "security agency" means any person who, for consideration, advertises as providing or is engaged in the business of furnishing security services, armored car services, or transporting prisoners.

Class "D" License

To become an unarmed security officer in Florida, a Class "D" private security license from DOL is required.⁴

"Unarmed" means that no firearm shall be carried while providing security officer services.⁵

To qualify for a Class "D" license, an applicant must:

- be at least 18 years old;
- be one of the following:

¹ DACS, *About*, <http://www.freshfromflorida.com/About/> (last visited Jan. 10, 2018).

² *Id.* at Division of Licensing.

³ s. 493.6101(19), F.S.

⁴ s. 493.6301(5), F.S. Exceptions to the licensure requirement are listed in s. 493.6102, F.S.

⁵ s. 493.6101(9), F.S. Carrying a firearm in the course of performing such duties requires a Class "G" license in addition. s. 493.6115(2), F.S.

- a United States citizen,
- a permanent legal resident, or
- a holder of a work visa from the United States Citizenship and Immigration Service;
- have no disqualifying criminal history;
- be of good moral character;
- have no history of:
 - mental illness,
 - alcohol abuse,
 - or substance abuse;
- submit an application to DOL with certain identifying information;⁶ and
- complete 40 hours of required training and submit proof thereof to DACS.⁷

Currently, the required training must take place in-person at a licensed school or training facility that has a physical location.⁸ Many states, including California and Georgia, do not prohibit online training for unarmed security officers.⁹

Class “D” Schools and Training Facilities

To provide required training services for Class “D” license applicants, a school or training facility must submit an application for licensure to DOL with the following information:

- the name and address of the school or training facility,
- the street address of the place where training will be conducted, and
- a copy of the curriculum and final exam to be administered,¹⁰ in accordance with the requirements set forth by DACS.¹¹

Currently, such schools and training facilities may only provide live, in person classes.¹²

Effect of the Bill

The bill will allow applicants for a Class “D” unarmed security officer license to take the required training online. Such training is valid only if DACS receives verification of such applicant’s identity, attendance, and successful completion of such training. DACS will establish the reporting requirements by rule.

The bill will also allow applicants for a Class “D” school and training facility license to list a website address on their application in lieu of a physical or street address, thus allowing them to offer online courses.

The bill provides an effective date of July 1, 2018.

B. SECTION DIRECTORY:

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|-----------|---|
| Section 1 | Amends s. 493.6303, F.S., to allow verified online training for applicants for a Class “D” license. |
| Section 2 | Amends s. 493.6304, F.S., to allow an entity to list its website address in lieu of a physical address on its application for a license as a Class “D” school or training facility. |

⁶ s. 493.6105, F.S.

⁷ s. 493.6303(4)(a), F.S.

⁸ ss. 493.6303(4)(a) and 493.6304, F.S.; and DACS, Agency Analysis of HB 813, p. 1 (Dec. 27, 2018).

⁹ Cal. Bus. & Prof. § 7583.6 (2017); Ga. Comp. R. & Regs. r. 509-3-.02; and O.C.G.A. § 43-38-7.1(a).

¹⁰ s. 493.6304, F.S.

¹¹ r. 5N-1.140, F.A.C.

¹² DACS, *supra* note 8.

Section 3 Provides an effective date for the bill.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Online training may make the profession more accessible based on increased ease in obtaining the required training. Schools and training facilities may also offer training at a lower cost due to reduced costs from running physical facilities.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

DACS will need to develop rules to implement this bill. Authority to do so is found in ss. 493.6303(4)(a) and 493.6304(3), F.S.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On January 16, 2018, the Careers and Competition Subcommittee adopted an amendment and reported the bill favorably as a committee substitute. The amendment:

- provides that online training for unarmed security guard applicants is valid only if DACS receives verification of such applicant's identity, attendance, and successful completion of such training; and
- clarifies language to allow schools and training facilities to offer online courses.

This analysis is drafted to the committee substitute as passed by the Careers and Competition Subcommittee.